

**IN THE CLAIMS:**

Please amend the claims as follows:

1-33. (Canceled)

34. (Currently amended) A method for incapacitating a subject, comprising:  
providing a non-lethal temporarily incapacitating formulation suitable for use in an aerosol or spray application, the incapacitating formulation comprising  
a solvent system comprising a mixture of propylene glycol esters of short chain fatty acids and glycerol tris (2-ethylhexanoate); and  
an incapacitating agent; and  
~~directing~~ applying the non-lethal temporarily incapacitating formulation into the facial area of the subject.

35. (Currently amended) The method of claim 34, wherein said ~~directing~~ applying comprises spraying the non-lethal temporarily incapacitating formulation into the eyes of the subject.

36. (Previously presented) The method of claim 34, wherein the non-lethal temporarily incapacitating formulation further comprises a propellant.

37. (Previously presented) The method of claim 36 wherein said propellant is miscible in said solvent system.

38. (Previously presented) The method of claim 37 wherein said propellant is carbon dioxide.

39. (Previously presented) The method of claims 34 wherein the propylene glycol esters of short chain fatty acids is propylene glycol dicaprylate/caprate.

40. (Previously presented) The method of claim 39 wherein the propylene glycol dicaprylate/caprate is present in an amount of 20 to about 80 % by weight of the solvent system.

41. (Previously presented) The method of claim 39 wherein the propylene glycol dicaprylate/caprate is present in an amount of 45 to about 55 % by weight of the solvent system.

42. (Previously presented) The method of claim 34 wherein the glycerol tris (2-ethylhexanoate) is present in an amount of 20 to about 80 % by weight of the solvent system.

43. (Previously presented) The method of claim 34 wherein the solvent system comprises approximately equal amounts of propylene glycol dicaprylate/caprate and glycerol tris (2-ethylhexanoate).

44. (Previously presented) The method of claim 34, wherein the incapacitating agent is an inflammatory agent.

45. (Previously presented) The method of claim 44 wherein the incapacitating agent is selected from the group consisting of synthetic capsaicin, natural capsaicin, dibenzoxazepine (CR), chloroacetophenone (CN), ortho-chlorobenzalmalononitrile (CS), oleoresin capscium (OC), oleoresin paprika, paprika, capsicums (chili peppers), trans-8-methyl-N-vanillyl-6-nonenamide (capsaicin), 8-methyl-N-vanillyl-nonamide (dihydrocapsaicin), 7-methyl-N-vanillyl-octamide (nordihydrocapsaicin), 9-methyl-N-vanillyl-decamide (homodihydrocapsaicin), trans-9-methyl-N-vanillyl-7-decenamide (homocapsaicin), (3R, 3p, 5pR)-3,3'-dihydroxy- $\alpha$ , $\epsilon$ -caroten-6'-one (capsanthin), N-vanillyl-octamide, N-vanillyl-nonamide, N-vanillyl-decanamide, N-vanillyl-undecanamide, N-vanillyl-paiperic acid amide, and mixtures thereof.

46. (Previously presented) The method of claim 34 wherein the incapacitating agent is present in an amount of about 0.18% to about 3% by weight of the solvent system.

47. (Previously presented) The method of claim 46 wherein the incapacitating agent is present in an amount of about 1.4% to about 1.5% by weight of the solvent system.

48-51. (Canceled)

52. (Currently amended) The method of claim 34 wherein said incapacitating agent comprises an inflammatory agent, and wherein the non-lethal temporarily incapacitating formulation is formulated to cause, upon application of the system to the facial area of a recipient, sufficient inflammation to temporarily disable the facial area of the recipient.

53. (Currently amended) The method of claim 34, wherein said ~~directing~~ applying of the non-lethal temporarily incapacitating formulation into the facial area of the subject causes the subject to experience a symptom selected from the group consisting of immediate closing of the eyes, shortness of breath, and burning sensation.

54. (Previously presented) The method of claim 53, wherein the symptoms lasted no longer than one hour.

55. (Currently amended) The method of claim 34, wherein said ~~directing~~ applying of the non-lethal temporarily incapacitating formulation into the facial area of the subject causes the subject to experience symptoms comprising immediate closing of the eyes, shortness of breath, and burning sensation.

56. (Previously presented) The method of claim 55, wherein the symptoms lasted no longer than one hour.

57. (Currently amended) The method of claim 34, wherein said ~~directing~~ applying comprises defending oneself by ~~directing~~ applying the non-lethal temporarily incapacitating formulation into the facial area of the subject.

58. (Currently amended) The method of claim 34, wherein said ~~directing~~ applying comprising ~~directing~~ applying the non-lethal temporarily incapacitating formulation into the

facial area of a person engaged in a bar fight, a domestic disturbance, a hostage situation, a terrorist situation, a barricade situation, or a riot, or a suspect engaged in flight.

59. (Currently amended) The method of claim 34, wherein said ~~directing~~ applying comprises a law enforcement official ~~directing~~ applying the non-lethal temporarily incapacitating formulation into the facial area of the subject.

60. (Previously presented) The method of claim 34 wherein the incapacitating agent is present in an amount of 0.9% or greater by weight of the solvent system.